

Chevy Chase Village Board of Managers

December 10, 2012

BOARD OF MANAGERS

Patricia S. Baptiste, Chair	Present
Michael L. Denger, Vice Chair	Present
Richard Ruda, Secretary	Present
Gary Crockett, Treasurer	Present
David L. Winstead, Board Member	Present

STAFF

Shana R. Davis-Cook, Village Manager	Present
John Fitzgerald, Police Chief	Present
Michael Younes, Director of Municipal Operations	Present
Demetri Protos, Finance Director	Present
Ellen Sands, Permitting and Code Enforcement Coordinator	Present
Jacqueline A. Parker, Public Safety Coordinator	Present

Ms. Patricia S. Baptiste, Chair of the Chevy Chase Village Board of Managers, called the meeting to order at 7:33 p.m. Mr. Winstead arrived at 7:35 p.m.

Approval of Minutes from the Board's Regular Meeting held on November 13, 2012

Action to approve the minutes of the Board's regular meeting held on November 13, 2012.

Mr. Denger requested the following amendment to the draft minutes:

- Page 5, end of line 10: Add "Mr. Denger also stepped out of the room briefly and then reentered the room later for the remainder of the meeting."

Mr. Denger moved to approve the minutes of the Board of Managers' regular monthly meeting held on November 13, 2012, as amended. Mr. Ruda seconded the motion. Ms. Baptiste, Mr. Denger, Mr. Ruda, Mr. Crockett, and Mr. Winstead voted in favor of the motion. The motion passed.

Approval of Minutes from the Board's Executive Session held on November 13, 2012

Action to approve the minutes of the Board's Executive Session held on November 13, 2012.

Mr. Denger submitted amendments to the draft minutes, which were circulated to the Board prior to the meeting.

Mr. Denger moved to approve the minutes from the Board of Managers' Executive Session held on November 13, 2012, as amended. Mr. Ruda seconded the motion. Ms. Baptiste, Mr. Denger, Mr. Ruda, Mr. Crockett, and Mr. Winstead voted in favor of the motion. The motion passed.

Variance and Special Permit Requests

Continuance of A-6233 (Variance Request) Mr. and Mrs. Steven Sprenger, 5501 Park Street. Construct three (3) treads that would encroach one foot, eight inches (1'-8") forward of the twenty-five (25) foot front (Park Street) building restriction line. (Proposed encroachment reduced effective 12/5/2012.)

Mr. Denger moved to postpone the decision on the variance request until the Board's next regular meeting January 14, 2013 to allow the Board to further consult with Counsel. Mr. Winstead seconded the motion. Ms. Baptiste, Mr. Ruda, and Mr. Crockett voted against the motion. Mr. Denger and Mr. Winstead voted in favor of the motion. The motion failed.

Mr. Ruda moved to direct staff to draft a decision approving the variance request to construct two (2) treads that would encroach one foot, eight inches (1'-8") forward of the twenty-five (25) foot front (Park Street) building restriction line. Mr. Crockett seconded the motion. Ms. Baptiste and Mr. Winstead voted against the motion. Mr. Ruda and Mr. Crockett voted in favor of the motion. Mr. Denger abstained. The motion failed. The variance was denied.

A-6247 (Special Permit Request) Mr. and Mrs. John Lively, 23 Hesketh Street. Demolish the detached garage located in the rear (north) yard of the property.

Mr. Crockett moved to direct staff to draft a decision approving the special permit request to demolish the detached garage located in the rear (north) yard of the property. Mr. Ruda seconded the motion. Ms. Baptiste, Mr. Denger, Mr. Ruda, Mr. Crockett, and Mr. Winstead voted in favor of the motion. The motion passed.

Treasurer's Report

The Treasurer's Report was distributed to the Board prior to the meeting. No action was taken by the Board.

Police Report

The Police Report was distributed to the Board prior to the meeting. No action was taken by the Board.

Committee Appointments & Reports

Budget Committee

- Board Appointment of Members: Larry Heilman (Grafton Street) and Samuel Lawrence (East Lenox Street).

Mr. Crockett moved to appoint Larry Heilman of Grafton Street and Samuel Lawrence of East Lenox Street to serve as members on the Village Budget Committee. Mr. Denger seconded the motion. Ms. Baptiste, Mr. Denger, Mr. Ruda, and Mr. Crockett voted in favor of the motion. Mr. Winstead was absent for the vote. The motion passed.

Building Code Review Committee

Mary Sheehan, Chair of the Building Review Committee, reported that the committee is in the process of finalizing a questionnaire, which will be sent out to architects, contractors, and Village residents who have had building projects (and therefore obtained Village permits) within the last few years. A deadline between January 15 and January 30 will be set for the return of the completed questionnaires.

Legal Services Evaluation Committee

Committee member Mary Sheehan reported that the committee was scheduled to interview attorneys from the top three (3) preferred firms the following afternoon.

Old Business & Status Reports

Capital Project Update: Street Lighting Improvements

A staff report regarding improving street lighting in the Village was circulated to the Board prior to the meeting and a summary of the report was made available by Power Point presentation during the meeting.

The Board agreed to temporarily suspend additional streetlight improvements until LED streetlights are available toward the end of the first quarter 2013 (April 2013). If there are any delays in the ability to acquire LED streetlights by the above-referenced time, the staff will report back to the Board for further direction. In the interim, the Board requested that the staff provide recommended locations where LED streetlights could be installed as an in-house pilot program within the Village, and provide a further breakdown of the maintenance and energy usage costs for LED technology.

Village Hall Update

In follow-up to his report last month, Mr. Denger advised that a resident on West Lenox Street had raised issues with regard to the activities in the Village Hall and the operations of our Public Works Department as well as to traffic and other issues arising from the activities of the U.S. Post Office. That resident has filed a Maryland Public Information Act Request, which the Village has now complied with. Due to the substantial quantity of information requested, the Village imposed fees pursuant to the Village's Maryland Public Information Act Policy (adopted in 2007) to compensate the Village for the time and expense of staff time and material costs incurred responding to the request. Should the resident(s) request changes in Village or Post Office operations, Mr. Denger indicated that the Board is considering whether to invite the resident to the next public meeting of the Board—after they have had an opportunity to review the requested documents—to explain to the full Board and the community at-large their concerns and what they are seeking in the way of modifications of existing Village or Post Office activities and operations. The Board intends to keep the community apprised of further developments.

Amend Resolution No. 10-01-12: Extended the effective date of the Ethics Ordinance in light of renewed exemption request. A copy of the amended ordinance was circulated to the Board prior to the meeting. Mr. Denger advised that in September 2012, the State Ethics Commission denied the Village's request for an exemption from the financial disclosure

requirements of the Maryland Public Ethics Law. After that exemption was denied, two members of the Board resigned as a result thereof. Subsequently, the Board submitted a new exemption request on November 16, 2012 as a result of these resignations and other changed facts and circumstances.

The Board originally adopted a new Village Ethics Ordinance in October 2012, which was approved by the State Ethics Commission, and would have become effective forty-five (45) days after we received the Commission's approval of the proposed ordinance. In light of the renewed exemption request, the proposed ordinance would be modified so that it would become effective forty-five (45) days following receipt of the State Ethics Commission's decision on the Village's renewed request for a full exemption from the Maryland Public Ethics Law provided the ordinance is posted for at least fourteen (14) days following its official adoption.

Mr. Denger made a motion to approve the amendment to Resolution No. 10-01-12, as drafted and to delete the severability clause in Section 2. Mr. Crockett seconded the motion. Ms. Baptiste, Mr. Denger, Mr. Ruda, Mr. Crockett, and Mr. Winstead voted in favor of the motion. The motion passed.

Board Review and Possible Approval of Organization Plan Modules

- Communications (updated)
- Equipment (updated)
- Vehicles (updated)
- Capital Infrastructure (updated)

Copies of the staff's proposed modules were circulated to the Board prior to the meeting. The Board recommended re-titling the document "Chevy Chase Village Operational Plan". Each module will be modified to reflect that they are subject to review and approval by the Village Manager with periodic review by the Board of Managers.

New Business

Supplemental Appropriation Authorization Request:

- \$5,000 from reserves to "Capital Projects, Personnel, Salaries"

Mr. Crockett moved to approve a supplemental appropriation in the amount of \$5,000 from reserves to "Capital Projects, Personnel, Salaries". Mr. Denger seconded the motion. Ms. Baptiste, Mr. Denger, Mr. Ruda, Mr. Crockett, and Mr. Winstead voted in favor of the motion. The motion passed.

Supplemental Appropriation and Contract Award Authorization:

- Supplemental Appropriation from reserves to "Village Hall, Building Repair and Maintenance" for Village Hall Roof Repairs; Interstate Corporation, in the amount of \$5,850.

Mr. Crockett moved to approve a supplemental appropriation in the amount of \$5,850 from reserves to "Village Hall, Building Repair and Maintenance" and to authorize the Village Manager to enter into a contract with Interstate Corporation for repairs to sections of the

Village Hall's roof. Mr. Denger seconded the motion. Ms. Baptiste, Mr. Denger, Mr. Ruda and Mr. Winstead voted in favor of the motion. The motion passed.

Manager's Report

The Manager's Report was circulated prior to the meeting.

Mr. Denger moved to adjourn the meeting. Mr. Crockett seconded the motion. Ms. Baptiste, Mr. Denger, Mr. Ruda, Mr. Crockett, and Mr. Winstead voted in favor of the motion. The motion passed. The open meeting adjourned at 9:58 p.m.

Secretary, Chevy Chase Village Board of Managers

Final.